



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

ROBERT EICHELBERGER,
Plaintiff,

vs.

CHAMPION AEROSPACE, INC.,
Defendant.

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CIVIL ACTION NO. 8:08-2990-HFF-BHH

ORDER

This is an age discrimination action. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that Defendant's motion for summary judgment [Doc. 36] be denied. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on December 22, 2009, and Defendant filed its objections on January 8, 2010. Plaintiff filed his response to the objections on the same date.

In Defendant's objections, it generally makes the same arguments that were considered and rejected in the Magistrate Judge's comprehensive and well-reasoned Report. Thus, inasmuch as the Court agrees with the Magistrate Judge's recommendation as to the disposition of Defendant's motion, the Court will not address the arguments a second time here.

The Court dispenses with oral argument because the facts and legal contentions are adequately presented in the materials before the Court and argument would not aid the decisional process.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules Defendant's objections, adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court that Defendants' motion for summary judgment [Doc. 36] is **DENIED**.

IT IS SO ORDERED.

Signed this 11th day of January, 2010, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE